

United States District Court
Eastern District of California

Darrel L. Smith,

Plaintiff,

vs.

King, et al.,

Defendants.

No. Civ. S 04-0702 MCE PAN P

Order

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Plaintiff is a prisoner, without counsel, who claims defendant King was deliberately indifferent to plaintiff's safety by releasing confidential information about plaintiff's enemies. Plaintiff requests leave to examine by deposition Mark Baker, a prisoner not a party to this action, and defendant King.

A party may discover any matter, not privileged, that is relevant to the claim or defense of any party. Fed. R. Civ. P. 26(b)(1). Information is relevant if it would be admissible at trial or it is reasonably calculated to lead to the discovery of

1 admissible evidence. Id.

2 Plaintiff would ask Mark Baker whether Baker requested
3 plaintiff be moved to another cell March 10, 2003; to whom Baker
4 submitted any such request; whether Baker is epileptic; and
5 whether Baker takes medication to treat epilepsy.

6 Plaintiff does not explain the relevance of the information
7 he seeks. Nothing in the record suggests information about
8 Baker's health, medication or request to move to a different cell
9 is within the scope of discovery.

10 Plaintiff would ask defendant King to whom King reported
11 March 10, 2003, after he and other officers moved Baker from cell
12 105 to the medical clinic.

13 Plaintiff does not explain the relevance of this
14 information. Nothing in the record suggests this information is
15 within the scope of discovery.

16 For these reasons, plaintiff's June 29, 2005, motion is
17 denied.

18 So ordered.

19 Dated: September 8, 2005.

20 /s/ Peter A. Nowinski

21 PETER A. NOWINSKI
22 Magistrate Judge
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